

Public Notice

U.S. Army Corps
of Engineers
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2007-338

Date: January 13, 2011

Notice No. 11-1

Closing Date: February 11, 2011

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.
2. APPLICANT: Josh Hedrick
Smoke Hole Resort
HC 59 Box 39
Seneca Rocks, WV 26884

CONSULTANT: ECS Mid- Atlantic, LLC
14026 Thunderbolt Place, Suite 100
Chantilly, VA 20151
3. LOCATION: Smoke Hole Resort in Cabins, Grant County, West Virginia
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to remedy non compliance issues in a unnamed tributary to the North Fork South Branch Potomac River (locally referred to as Poor Farm Spring) through the re-establishment of riparian buffer habitat, streambank stabilization, construction of instream structures, as well as performing maintenance dredging in order to continue to operate a private trout hatchery. Existing structures include three concrete weirs, seven vehicular and foot bridges, and a renovated spring box. (The spring box was previously permitted by this office.) Per the stream restoration plan, the applicant is proposing to modify the weirs, install 11 J- hooks, construct a vehicular bridge, bank stabilization including re-grading stream banks and utilization of natural fiber matting and stacked stone or logs, construct two 45 foot long raceways with sand filters, stone face existing wingwalls, and construct two offline fry boxes. It is also proposed to dredge 4-5 feet wide and 4 feet deep as well as dredging of the bankfull bench to remove invasive species. (Dredge material proposed to be removed from the unnamed tributary for thalweg creation and bench dredging totals 565.16 cubic yards.) Total impacts to the unnamed tributary are proposed in the amount of 0.45 acre. The total proposed fills includes 692.94 cubic yards of material for weir modification (to construct cross vanes), bank stabilization, and J- hook construction. Also included in the project is 4,500 square feet for streambank stabilization in the North Fork South Branch of the Potomac River. The project is proposed to enhance the existing functions and values of the stream to pre impact status through creation of the aforementioned structures, removal of

invasive species, creation of a 35 foot wide riparian buffer containing 400 native stems per acre (totaling 0.92 acre) as well as bank stabilization. Drawings of the proposed restoration and enhancement plan and impact table are attached to this notice.

5. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the WVDEP for individual water quality certification. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Any person wishing to comment, provide information, and/or request a public hearing concerning certification for this project should write to the:

West Virginia Department of Environmental Protection
Office of Water Resources
Regulatory Review Program
601 57th Street SE
Charleston, WV 25304-2345
Telephone: 304-926-0499
Re: Public Notice CELRP-OP-F No. 11-1

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

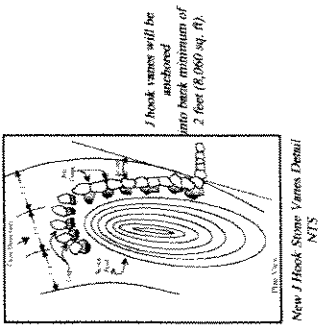
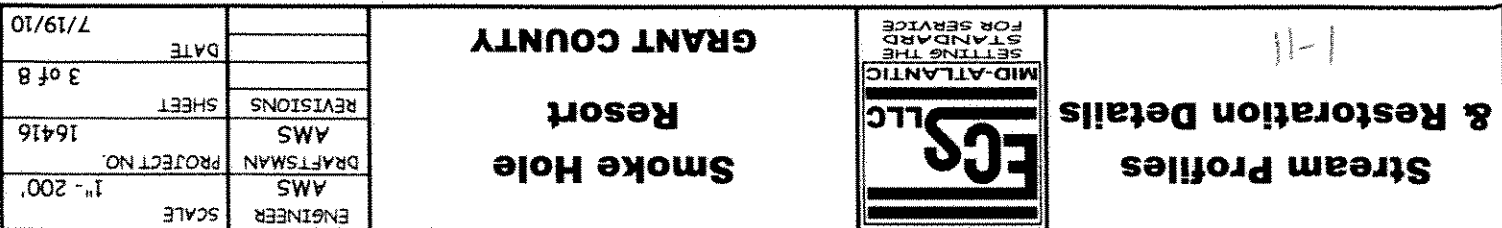
9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public: Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Tyler Bintrim at the above address, by telephoning (412) 395-7115, or by e-mail at tyler.j.bintrim@usace.army.mil. Please refer to CELRP-OP-F 2007-338 in all responses.

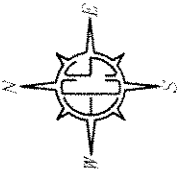
FOR THE DISTRICT ENGINEER:

//SIGNED//

Scott A. Hans
Chief, Regulatory Branch



| | |
|--------------------------|----------------------------|
| Smoke Hole Resort | |
| Address 1000 1000 | Phone Area 1000 1000 |
| 1000 | |
| 1000 | 1000 |
| 1000 | 1000 |



Off-line Fish Raceway

Existing concrete wing wall to be covered with stone and back filled with clean stone. Concrete blocks to be removed

Spring hole to be filled with large stone then capped with 2" clean stone 24" from surface. Filter fabric and 24" of Top Soil will complete the hole.

Fill to be dredged and bank stabilized. Steel Grating will be removed.

Existing Spring Box

Remove Concrete Blocks at Wing Walls
Install Rip Rap at ends of Wing Walls to stabilize banks.

Invasive Species (submerged) Removal and Dredging Area 1

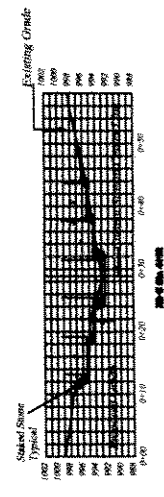
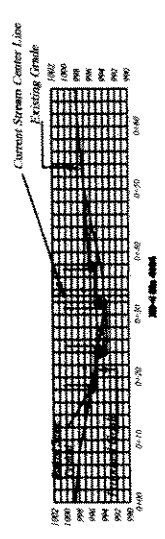
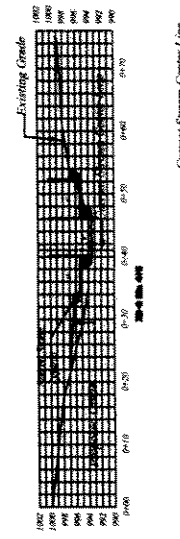
Existing Cross Vane 1 and "Rip-Rap" with new Cross Vane Structure See Typical Detail

Vehicle Bridge

Foot Bridge

State Route 4828

Match to Match Line A



| Smoke Hole Report | | | | |
|-------------------|-------|----------------|-------------------------|-----------------|
| DATE | TIME | SMOKE HOLE NO. | SMOKE HOLE LOCATION | SMOKE HOLE TYPE |
| 10/10/01 | 10:00 | 1 | Spring Box | Flowing |
| 10/10/01 | 10:05 | 2 | Vehicle Bridge | Flowing |
| 10/10/01 | 10:10 | 3 | Foot Bridge | Flowing |
| 10/10/01 | 10:15 | 4 | Existing Cross Vane 1 | Flowing |
| 10/10/01 | 10:20 | 5 | Existing Cross Vane 2 | Flowing |
| 10/10/01 | 10:25 | 6 | Existing Cross Vane 3 | Flowing |
| 10/10/01 | 10:30 | 7 | Existing Cross Vane 4 | Flowing |
| 10/10/01 | 10:35 | 8 | Existing Cross Vane 5 | Flowing |
| 10/10/01 | 10:40 | 9 | Existing Cross Vane 6 | Flowing |
| 10/10/01 | 10:45 | 10 | Existing Cross Vane 7 | Flowing |
| 10/10/01 | 10:50 | 11 | Existing Cross Vane 8 | Flowing |
| 10/10/01 | 10:55 | 12 | Existing Cross Vane 9 | Flowing |
| 10/10/01 | 11:00 | 13 | Existing Cross Vane 10 | Flowing |
| 10/10/01 | 11:05 | 14 | Existing Cross Vane 11 | Flowing |
| 10/10/01 | 11:10 | 15 | Existing Cross Vane 12 | Flowing |
| 10/10/01 | 11:15 | 16 | Existing Cross Vane 13 | Flowing |
| 10/10/01 | 11:20 | 17 | Existing Cross Vane 14 | Flowing |
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ENGINEER

AMS

DRAFTSMAN

AMS

REVISIONS

SHEET

DATE

7/19/10

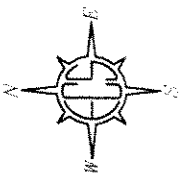
Smoke Hole
Resort
GRANT COUNTY

SETTING THE STANDARD FOR SERVICE
MID-ATLANTIC LLC
FCS

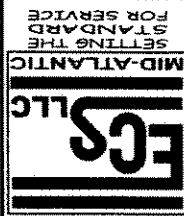
Cross Sections 6-7
Stream

| Smoke Hole Resort | | | |
|-------------------|-----|-------------|---------|
| Owner | AMS | Project No. | 16416 |
| Engineer | AMS | Sheet | 5 of 8 |
| Draftsman | AMS | Date | 7/19/10 |

X8-Fry Box Sta 10+08



| | | | |
|--|--|---|---|
| Stream Cross Section 10 | | Smoke Hole Resort GRANT COUNTY | ENGINEER AMS DRAFTSMAN AMS REVISIONS SHEET 4 of 8 DATE 7/19/10 |
|--|--|---|---|



| Smoke Hole Resort | | | |
|-------------------|-------------------|-------------|---------|
| OWNER | Smoke Hole Resort | DATE | 7/19/10 |
| DESIGNER | FCS LLC | PROJECT NO. | 16416 |
| DRAWN BY | AMS | SHEET | 4 of 8 |
| CHECKED BY | AMS | DATE | 7/19/10 |

